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June 13, 1997

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**DOCKET FILE COPY ORIGINAL**

Mr. William F. Caton  
 Acting Secretary  
 Federal Communications Commission  
 1919 M Street, N.W., Stop Code - 1170  
 Washington, D.C. 20554

**Re: Petition for Reconsideration filed by Delta Broadcasting, Inc.**  
**Sixth Report and Order; FCC 97-115; MM Docket No. 87-268**

Dear Mr. Caton:

Transmitted herewith, on behalf of Delta Broadcasting, Inc., licensee of Television Station WKFT(TV), Fayetteville, North Carolina, are a facsimile of an original and eleven copies of a Petition for Reconsideration to be filed in the above-referenced matter.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Very truly yours,

BROOKS, PIERCE, McLENDON,  
 HUMPHREY & LEONARD, L.L.P.

Mark J. Prak

Counsel to Delta Broadcasting, Inc.

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**JUN 13 1997**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554  
Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Advanced Television Systems )  
and Their Impact upon the ) MM Docket No. 87-268  
Existing Television Broadcast )  
Service )

To: The Commission

**PETITION FOR PARTIAL RECONSIDERATION  
OF THE SIXTH REPORT AND ORDER  
SUBMITTED BY DELTA BROADCASTING, INC.**

Delta Broadcasting, Inc. ("Delta"), licensee of station WKFT, Channel 40, Fayetteville, North Carolina, by its counsel, hereby petitions for partial reconsideration of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*" or "*Allotment Order*"). In that Order, WKFT was allotted DTV Channel 38 as its paired digital channel. Specifically, Delta respectfully requests the Commission to reconsider its allotment of Channel 38 to WKFT, or alternatively, to allow an increased ERP for DTV Channel 38.

The FCC's assignment methodology attempts to replicate and maximize service. While WKFT's DTV allotment would geographically replicate and maximize its service area, it does not replicate or maximize service in regard to population. According to the FCC's methodology, WKFT's DTV interference free Grade B coverage area will be 30,966 square kilometers compared to an NTSC interference free Grade B coverage area of 30,578 square kilometers. This represents

a 1.3% increase in area. (See the attached Engineering Statement prepared by Mullaney Engineering, Inc., demonstrating the impact of the DTV allotment plan upon WKFT). However, a smaller population would be served because the new DTV interference free coverage area is shifted to the southeast and west of the NTSC area. As a result of the coverage shift, WKFT will lose viewers in the critical, densely populated Raleigh-Durham-Chapel Hill area (the hub of WKFT's DMA), while adding far less new viewers in rural and sparsely populated southeastern and south-central North Carolina. Because of this shift, the populations receiving Grade B or better interference free service would be 2,133,000 for the new DTV allotment compared to 2,229,000 for NTSC, a 4.3% decrease. Thus, the new DTV channel would deny WKFT's service to nearly 100,000 fewer viewers. Some of this new interference may be explained by a newly authorized facility on Channel 38 in Greenville, North Carolina. (See Exhibit).

WKFT's advertising rates are calculated on the basis of the number of people reached, not the size of the geographical area served. While Delta supports maximizing service areas, that goal should be secondary to replication of existing population areas served particularly where competitive stations in the market would not be similarly disadvantaged. Competing station WLFL-TV, Channel 22, Raleigh, North Carolina, for example, would experience an 11.1% increase in total Grade B service area and an 11.5% increase in the total population receiving Grade B service. In addition, of the 11 stations in WKFT's DMA, WKFT has the lowest DTV/NTSC area match--92.7%. Consequently, WKFT is placed at a significant competitive disadvantage.

Therefore, Delta respectfully petitions the Commission to reconsider its allotment of channel 38 as the paired DTV channel for WKFT. Although available alternative channels 34 and 46 have been identified, Delta has been unable to conduct a comprehensive study of the suitability of these

channels because the Commission has yet to release its methodology for determining interference in OET Bulletin No. 69. Therefore, Delta respectfully requests that the Commission reconsider its allotment of Channel 38 if either Channel 34 or 46 proves to be superior to Channel 38. Alternatively, Delta requests that the Commission reconsider the maximum ERP to be allowed for DTV Channel 38 so that Delta may better replicate WKFT's NTSC service area.

Respectfully submitted, this the 13th day of June, 1997.

DELTA BROADCASTING, INC.

By: 

Wade H. Hargrove

Mark J. Prak

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**MULLANEY ENGINEERING, INC.**

9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877

**ENGINEERING EXHIBIT EE:**

**IN SUPPORT OF A PETITION  
FOR RECONSIDERATION IN  
MM DOCKET 87-268  
SIXTH REPORT AND ORDER**

**JUNE 12, 1997**

**ENGINEERING STATEMENT PREPARED ON BEHALF OF  
DELTA BROADCASTING CO., INC.  
TV CHANNEL 40 - FAYETTEVILLE, NC**

**MULLANEY ENGINEERING, INC.**

**ENGINEERING EXHIBIT EE:**

**IN SUPPORT OF A PETITION  
FOR RECONSIDERATION IN  
MM DOCKET 87-268  
SIXTH REPORT AND ORDER**

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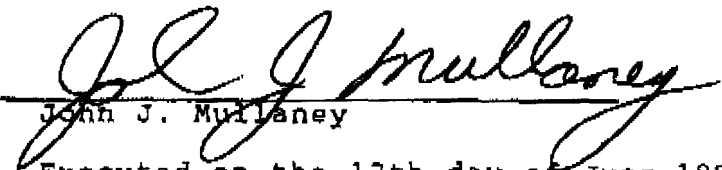
1. Declaration of Engineer.
2. Narrative Statement.
3. Figure 1, Coverage Analysis - NTSC Ch. 40.
4. Figure 2, Coverage Analysis - DTV Ch. 38.

**MULLANEY ENGINEERING, INC.**

**DECLARATION**

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Delta Broadcasting Co., Inc., licensee of WKFT TV Channel 40 at Fayetteville, NC, to support a petition for reconsideration.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

  
John J. Mullaney

Executed on the 12th day of June 1997.

**MULLANEY ENGINEERING, INC.**

**ENGINEERING EXHIBIT EE:**

**IN SUPPORT OF A PETITION  
FOR RECONSIDERATION IN  
MM DOCKET 87-268  
SIXTH REPORT AND ORDER**

**NARRATIVE STATEMENT:**

**I. GENERAL:**

This engineering statement has been prepared on behalf of Delta Broadcasting Co., Inc., licensee of WKFT TV Channel 40 at Fayetteville, NC. The purpose of this statement is to support a petition for reconsideration in MM Docket 87-268 - Sixth Report & Order - - Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service.

**II. ENGINEERING DISCUSSION:**

**A. Proposed DTV Channel:**

Appendix B, page B-28 of the R&O indicates that WKFT was allotted Channel 38 as its DTV channel with an ERP of 196.8 kW at its existing HAAT of 561 meters. The appendix further indicates that the DTV / NTSC Area Match was only 92.7 percent. Of the forth-nine full service stations located in the state of North Carolina the DTV / NTSC match provided by Ch. 38 for WKFT is the third lowest. However, more importantly the match appears to be the lowest of the eleven other stations that WKFT competes with on a daily basis. Excluding WKFT the median match for the eleven stations is 99.2 percent.



**PETITION FOR RECONSIDERATION  
WKFT - FAYETTEVILLE, NC****MULLANEY ENGINEERING, INC.**

Attached hereto is a map, Figure 1, which illustrates the areas in which the existing NTSC Channel 40 is considered viewable. The map has shaded out areas subject to interference from other NTSC channels and from other new DTV proposals. In addition, where terrain features blocked the reception of the TV channel those areas have also been shaded out. Figure 2 is a similar map except that it illustrates the areas in which the proposed DTV Channel 38 is considered viewable.

The proposed DTV operation on Channel 38 receives significant new interference on the east side of the community of Goldsboro. This area is currently well served by WKFT's NTSC signal. This interference appears to be the result of a newly authorized facility on Channel 38 at Greenville, NC.

**B. Possible Solutions:**

While not fully investigated, WKFT believes that it should be possible to find alternate parameters which will permit WKFT to continue to serve its established service area. WKFT requests a re-evaluation of the proposed maximum ERP to determine if an increase will provide a better match to its existing service area. In the alternative, WKFT requests further consideration be given to an alternate DTV channel such as Ch. 34 or Ch. 46. Another alternative would be to have Greenville operate DTV on Ch. 38 and to operate NTSC on some yet to be determined channel.

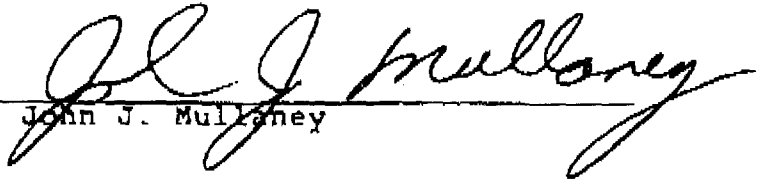
PETITION FOR RECONSIDERATION  
WKFT - FAYETTEVILLE, NC

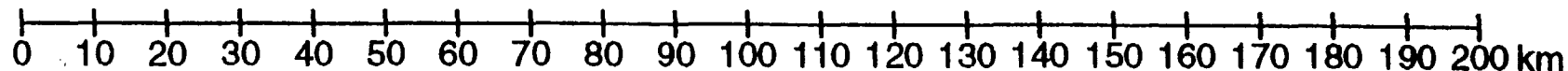
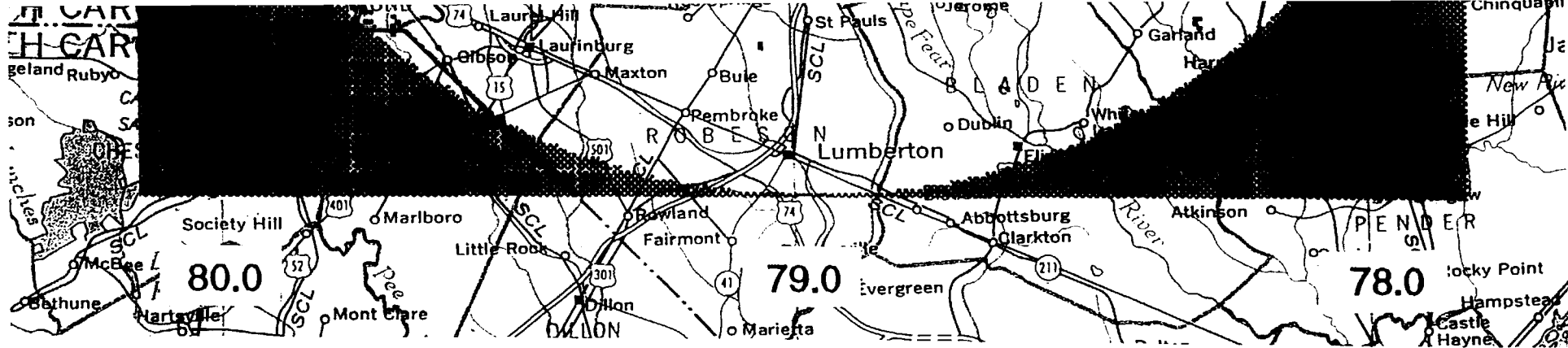
MULLANEY ENGINEERING, INC.

III. SUMMARY:

Delta Broadcasting Co., Inc., licensee of WKFT TV Channel 40 at Fayetteville, NC, requests reconsideration of the FCC's proposal for it to utilize Ch. 38 for DTV operations. The DTV / NTSC area match is well below the match provided other stations which WKFT must compete on a daily basis.

June 12, 1997.

  
John J. Mullaney



Existing NTSC interference



Additional DTV interference



Outside Grade B



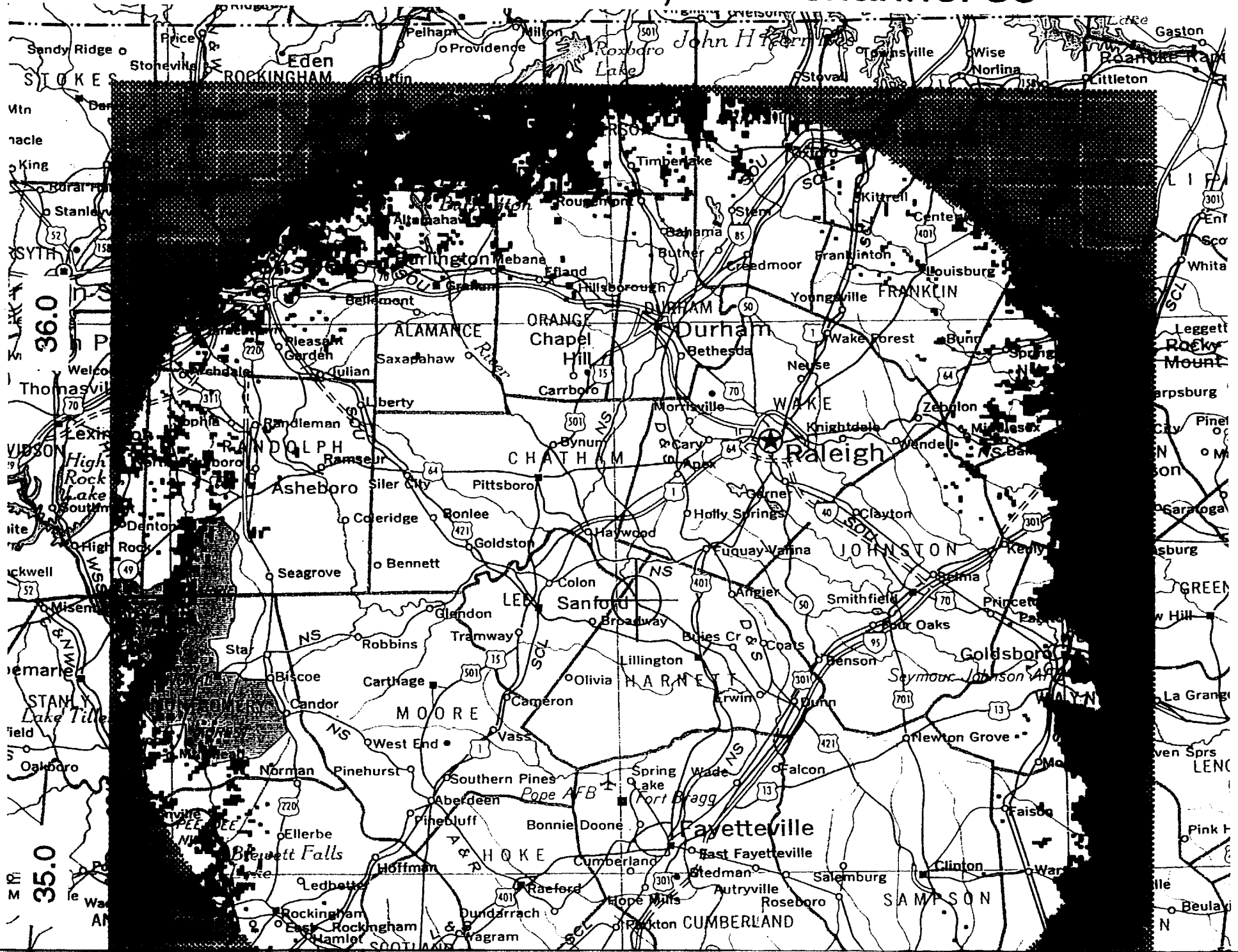
Service limited by noise

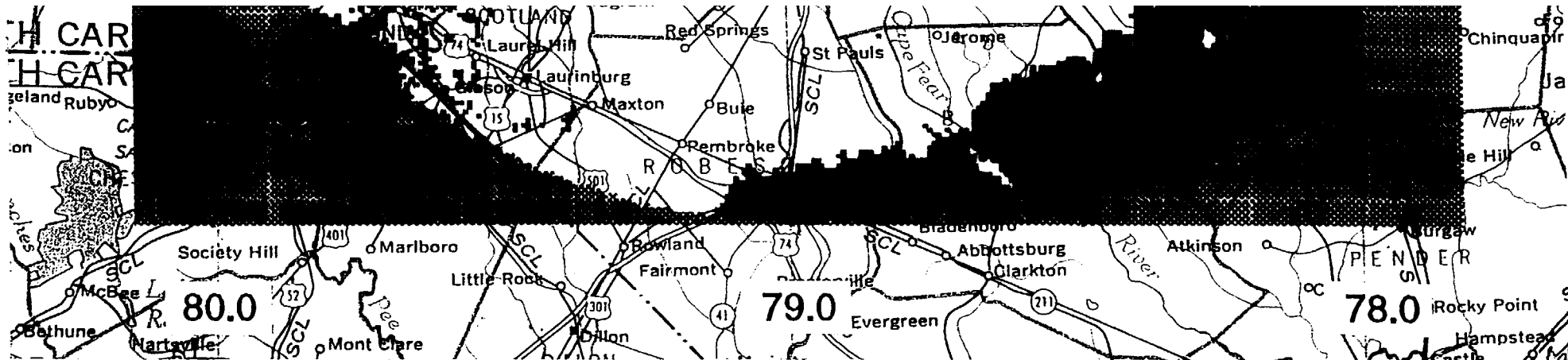
**PROPOSED TV COVERAGE – DTV CH. 38**  
**TELEVISION STATION WKFT**  
**FAYETTEVILLE, NORTH CAROLINA**

**MULLANEY ENGINEERING, INC.**  
**GAITHERSBURG, MARYLAND**

**FIGURE 2**  
**MAY 1997**

# FAYETTEVILLE NC, DTV channel 38





0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 km



Existing NTSC interference



Additional DTV interference



Outside Grade B



Service limited by noise

EXISTING TV COVERAGE - NTSC CH. 40  
TELEVISION STATION WKFT  
FAYETTEVILLE, NORTH CAROLINA

**MULLANEY ENGINEERING, INC.**  
**GAITHERSBURG, MARYLAND**

FIGURE 1

MAY 1997

This is a detailed map of North Carolina, showing major cities, roads, and geographical features. The map is oriented with North at the top. Major cities like Raleigh, Durham, Charlotte, and Fayetteville are labeled. The map also shows state boundaries and major highways.